has been behaving with us. Therefore, we must make vital amendments in our foreign policy in the sense that with all our neighbours—Pakistan can be included in this and I am very happy to improve relations with them, but they do not want-including China, w_e must improve our relations. Also, Madam, in our defence polices, let us go in more for the strategy weapons, for manufacturing them and improving our conventional weapons. Let us not rely at all upon the US. This is my submission. (Madarn. Deputy Chairman, kindly convey this to the Government.

THE RAILWAY CLAIMS TRIBUNAL BILL, 1987

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA); Madam, I beg to move:

"That the Bill to provide for the establishment of a Railway Claims Tribuanl for inquiring into and determining claims against a railway administration for loss, destruction damage, deterioration or non-delivery of animals or goods entrusted to be carried by "railway or for the •refund of fares or freight to it or for compensation for death or injury to passengers occurring as a result of railway accidents and for matters connected therewith or incidental thereto, a9 passed by the Lok Sabha, be taken into consideration. "

Madam, Hon. Members have often expressed their concern about delays in payment of compensation for deaths and in juries in train accidents. Appoint ment of Claims Commissioners in ma jor accidents, and adjucation of claims by them, is quite time-consum ing. In the case of minor accidents, the claimants ate requir ed to apply to the ordinary District Courts, and it takes years for the overburdened District Courts to fina lise their, cases. Hence, there is a need for a more prompt machinery to ensure speedy settlement of accident claims

Another category of claims for compensation against the Railways is for loss of and damage to consignments carried by the Railways. The Railways do settle such compensation claims through their own Claims Officers, and this internal machinery has been streamlined so that the litigation on this account is minimal. Nevertheless there are some disputed claims which go to the civil courts. The House is aware that Inordinate delays occur in disposal of suits by ordinary civil courts. Madam, 22, 425 suits now pending are 3 to 9 years old, and 2, 580 suits are pending for a period of more than 9 year in different parts of the country. There is therefore, a denite need to provide an expeditious remedy and to remove harassment and hardship caused to rail users on account of such prolonged litigation. The Estimates Committee and the Railway Reforms Committee had decommended establishment of a Tribunal to settle such matters.

The Government have accordingly brought the Railway Claims Tribunal Bill to provide specialised and exclusive forum for expeditious payment of compensation to the victims of train accidents and a much quicker remedy to the tail users to get their loss and damage claims resolved. The proposed Tribunal will also be vested with powers to deal with disputes regarding refund of fares and freight charges.

The Tribunal will have adequate number of Benches in different parts of the country, so that the applicants are not required to travel long distance for getting the relief. Each Bench will have two Members, one judicial and one technical. This composition will help in quicker understanding of the facts, and judicious application of law. The Tribunal will have powers of summary disposal on the basis of documents and affidavits, obviating the need fot lengthy oral evidence, as far as possible.

[Shri Madhavrao Scindia] I hope that the establishment of the Railway Claims Tribunal will fulfil one of the long standing demands of the rail users, and will go a long way in expediting settlement of their claims against the Railway Administration. With these words, I commend the Bill as passed by the Lok Sabha, for consideration of this House.

The question was proposed

SHRI SUKOMAL SEN (West Bengal): Madam, it is a very important Bill. But I wonder why this Bill was not referred to the Joint Select Committee which is considering the amendments to the original Railways Act which was framed hundred years back, because this Bill relates to many provisions which are included in the original Act. So this should have been considered in the same way by the Joint Select Committee. But this has not been done. It has been brought in a piecemeal way. Madam, while considering this we have to consider the other provisions of the original Act. But the time will not permit.

THE DEPUTY CHAIRMAN: Your time is seven minutes.

SHRI SUKOMAL SEN: It is very difficult to pay atention to this particular clause Of the Bill.

Madam, the Minister says that the Railway Administration is very much humane to the problems of passen gers, the consignees and consignors, and that to speed up disposal of cases pf disputes they are setting up the Claims Tribunal. Madam, the basic question is, why are these disputes arising; what is the reason? If you go into the provisions of the original Railways Act enacted a hundred years back by the British Government, it has a different approach to passengers as well as to consignees and consignors—a most inhuman approach. The Railway refuse to take any responsibility even for passengers' lives, damage to any consignment and so on. Unless this is changed only by forming a Claims Tribunal and just speeding up the settlement can we solve the problems of passengers, consigness and consignors? This is not possible. This is my basic and first objection to the introduction of this Bill. This should have been sent *to* the joint Select Cornmittee for consideration, and then the two Bills could have been brought in a comprehensive manner.

Madam, I will show briefly how the Railways is behaving with pas sengers, as also consignees and con signors. I will quote some figures. These are all from the Railway Mi nistry's publications. In 1977-78. Madam, 172 persons were killed and 421 injured in railway accidents. What was the compensation paid? An amount of Rs. 45. 82 lakhs was paid as compensation. Now, Madam, if we assume—it is in the Rules that the maximum compensation for a man killed in a railway accident is Bs. 1 lakh...

AN HON. MEMBER-: Minimum.

SHRl MADHAVRAO SCINDIA It is a fixed figure.

SHRl SUKOMAL SEN: If it is a fixed figure then the compensation should have been Rs. 178 lakhs in 1977-78, leaving aside the injured per sons. But it is only Rs. 45. 82 lskhs, both for the dead and the injured. I will give another example. I can give so many examples. But I am trying to be brief. In 1981-82—and this is from the Railway Ministry's own publica tion—the total number of deaths be cause of railway accidents was 446 and injury was to 777 persons. And what was the compensation paid? Only Rs. 46. 13 lakhs. These figures are from the 'Indian Railway Safety Per formancepublication.Thisishow the problems arise and the disputes arise. It is because the Railway Minister's approach is not at all human even towards those who are killed in railway accidents. They do not care for their relatives, their near and dear ones. That is why,.

claims are arising. This is-about the lives that are lost and the people who sustain injuries.

Now, I take up the question of consigner and consignee. I will quote Section 73 of the original Railway Act. It is now under consideration of the Joint Select Committee. It says: "Railway Administration is responsible for loss, damage or de-etrioration of goods in transit arising from any cause except those due to the act of God, public enemies, omissions, or negligence of the consigner or consignee, etc. " This Act has many loopholes.

SHRI NIRMAL CHATTERJEE (West Bengal): Even God is mentioned! It is a very secular piece of legislation.

- SHRI SUKOMAL SEN: It evoked tremendous laughter in the Joint Committee when we considered it. You can assign anything to the act of God. A train hauls down into the river or a bridge collapses. You can always say that it is an act of God. God was angry and, therefore, it has happened. There are a number of loophles by which you can easily evade your responsibility for loss of life or injury or even loss or damage to the consignments. Unless theses loopholes are plugged, how can you solve the problem only by setting up a tribunal?

I quota Section 74 or the original Railway Act. It says: "When the consignment is booked- at owner's risk rate, the Railway Administration has no responsibility except or proof by the claimant that such loss or damage was due to negligence. " This clause also gives enough scope to the Railway authorities to repudiate genuine claims. In this way, even when it is a case of death or injury—the Railway Minister may give his attention to me—the Railway Administration is in the habit of repudiating the claim and the Act itself provides ample scope to the Administration to repudiate the genuine claims. How many claims are coming up every year? It is said that 4 to 7 lakhs claims are being filed by parties and customers. You can imagine the figures. Another problems is that 35 to 40 per cent of the claims are repudiated. Another point I would like to mention is about statistics. There is another subjective factor also about statistics. Can the Railway Administration claim that the Railway authorities are free from corruption? Whether it is a case of loss of life or of injury or of damage to a consignment, can the Railway Minister claim that they examine these cases in an atmosphere free from corruption? There too problems are created. It is also our experience that while many genuine claims are repudiated, many false claims are also admitted. These are facts and the Railway Minister knows about them. Many false cases are admitted. The Minister should go through them and take remedial measures. In 1984-85, the number of claims paid was 1. 58, 000 and the number of claims repudiated was 1, 73, 000. It means that more claims were repudiated than the claims which were admitted, by the Railway Administration. There are always technical grounds. Now what are the technical grounds? Claim was not submitted before six months, etc. There was negligence from the party, defective condition of packing, improper loading—all these factors play into the hands of the Administration t_0 repudiate claims on technical grounds. As a result, Madam, the Railway administration is also losing its credibility to the people, to the passengers as well *98* to the consignees. They are losing the credibility. This Act should be properly modified so that the Railway administration takes a humane approach to the passengers and to the consignees and to public at large. Then only the question of settling the claims in a quick manner arises. Otherwise, simply by setting up a Tribunal the problem cannot be solved.

Madam, now perhaps about 52, 000 claims are pending. According to the Bill, there will be 19 Benches of

[Shri Sukomal Sen]

the Claims Tribunal. So many claims are arising throughout the country. *(Time bell rings)* I do not know how-theses 19 Benches will cope up with these claims that are accumulating day by day. Theses are also insufficient and these 19 Benches would not be able to cope up with the situation.

THE DEPUTY CHAIRMAN; Please conclude now.

SHRI SUKOMAL SEN: I feel this Bill is entirely defective and this should have been sent to a Joint Committee a comprehensive consideration by the Committee and then they should have come up with the original Act with modifications. Otherwise this BUI cannot simply solve the problem.

SHRI NIRMAL CHATTERJEE; Let the Minister not say that corruption is also a universal phenomenon.

डा० फागुनी राम (बिहार) : माननीय उपसभापति महोदया, आपने मुझे बोलने के लिये समय दिया इस के लिये मैं अपनी कृतज्ञता ज्ञापित करता हूं और माननीय रेलवे मंत्री जी को धन्यवाद देना चाहता हूं कि उन्होंने यहां पर रेलवे क्लेम्स ट्राइब्युनल बिल विचार के लिये पेश किया है । इस की डिमांड बहुत पहले से की जा रही थी । आज लोगों को आकांक्षाओं की पूर्ति के लिये इस बिल को इस सदन में पेश किया जा रहा है । यह सही बात है कि क्लेम्स रेलवे का बहुत सूक्ष्म अंग है । क्षति पूर्ति में जो जानें जाती हैं, या रेलवे में जो सामान की बर्बादी होती है या जिन पैरिशेबिल गुड्स की बर्बादी होती है या जब पशुओं का ट्रांसपोर्टेशन किया जाता है तो उस में क्षति होने से रेलवे के नियमों के अनुसार क्लेम्स को देने का प्रावधान है । लेकिन इस के लिये पहले एक अधिकारी होता था, क्लेम्स कमिश्नर के यहां सारी बातें जाती थीं और उस सब में बहुत समय लगता था जिस से रेलवे के क्लेम के प्रति लोगों में एक उदासीनता आती थी और कभी-कभी ऐसा होता था कि जितनी रकम लोगों को उन के क्लेम की मिल सकती थी उतनी या उस से ज्यादा रकम उन की खर्च हो जाती थी । इस लिये जरूरी था कि इस तरह के किसी रेलवे क्लेम्स ट्रिब्युनल की स्थापना की जाय ताकि इस कार्य में समता लायी जा सके ।

इस्टीमेट कमेटी ने और रेलवे की इस्टीमेट कमेटी ने भी और सेफटी कमेटी ने भी रेलवे क्लेम्स ट्रिब्युनल के बारे में अनुशंसा की थी । इस लिये जरूरी है कि रेलवे क्लेम्स ट्रिब्युनल की स्थापना की जाय । जहां तक पैंडिंग केसेज का सवाल है, उनको देखने से पता चलता है कि बहुत सारे केसेज कोर्टस में पैंडिंग हैं और बहुत सालों से वे पेंडिंग चले आ रहे हैं । उन के जल्दी निष्पादन के लिये भी जरूरी है कि इस की स्थापना की जाय । 22450 केसेज अभी ऐसे हैं कि जो 3 वर्ष से लेकर 9 वर्ष तक की अवधि से पेंडिंग हैं । 2580 केसेज ऐसे हैं कि जो 9 वर्ष से अधिक से पेंडिंग हैं । इन सारे मामलों का शीघ्रता से निष्पादन करने के लिये जरूरी है कि सरकार इस पर विचार करती । यह प्रशंसा की बात है कि माननीय मंत्री जी के काल में इन पेंडिंग केसेज में कमी आयी है । यह प्रसन्नता की बात है । 1984-85 में वर्ष के अंत तक 84919 पेंडिंग क्लेम्स थे वे 1985-86 में घटकर 41000 रह गये और इस तरह से 1984-85 की अपेक्षा 1985-86 में पेंडिंग क्लेम्स में 51 परसेंट की कमी आयी । इसी तरह 1986-87 में पेंडिंग क्लेम्स के निपटारे में 30 प्रतिशत की कमी आयी है और यह रेलवे प्रशासन की शीघ्रता, चुस्ती और कर्मठता का प्रतीक है । इस लिये इस बिल के लागू होने से केसेज का निष्पादन शीघ्र होगा, केसेज का सेटिलमेंट जल्दी होगा और इस से लोगों में रेलवे के प्रति विश्वास जागेगा और आस्था बढ़ेगी और उसका ट्रैफिक बढ़ सकेगा ।

इस ट्रिब्युनल में जो सदस्यों का चयन किया गया है उसके लिये हमको प्रसन्नता है । उस में जजों को रखा गया है । वे उन्नत कोटि के जज होंगे । जो तकनीकी अधिकारी रखे गये हैं या जो

रखे गये हैं । जो टेक्निकल लोग, तकनीकी सहायक रखे गए हैं, या जो सदस्य सचिव रखे गए हैं इन सभी के संयोग से यह ट्रायब्युनल बनेगा और मुझे खुशी है कि यह ट्रायब्युनल अपने कार्यों का सही ढंग से निर्वहन करेगा ।

महोदया, विधेयक में जो बैंचों की स्थापना करने के बारे में कहा गया है कि 19 बैंच स्थापित की जाएंगी, इस बारे में मेरा कहना यह है कि काम की अधिकता को देखते हुए इनकी संख्या थोड़ी बढ़ाई जानी चाहिए क्योंकि क्लेम्स का निष्पादन शीघ्रता से हो सके, इसके लिए ही उनकी स्थापना की जा रही है । यदि किसी बैंच पर अधिक काम का लोड पड़ जाएगा तो क्लेम्स का डिस्पोजल शीघ्रता से नहीं हो सकेगा । इसलिए यह जरुरी है कि काम की अधिकता को देखते हुए जैसे जैसे काम बढ़, वैसे वैसे जहां भी आवश्यकता हो, बैंचों की संख्या बढ़ाई जानी चाहिए ।

महोदया, इस ट्रायब्युनल में जो केसेज आएंगे, उनके लिए आवेदन करने की अवधि सीमा दी गई है और यह भी कहा गया है कि यदि समय पर आवेदन न दिया जा सका हो तो उसके लैप्स करने के कारण बताने पर भी वे आवेदन दे सकेंगे । लेकिन क्लेम्स के फैसले की भी सीमा होनी चाहिए कि इतने समय के अंदर क्लेम्स का निपटारा कर दिया जाना चाहिए । इसके साथ ही क्लेम्स के फैसले के अनुसार जो पैसा बनता हो, उसके लिए भी सीमा निर्धारित होनी चाहिए कि उस समय के अंदर उसे पेमन्ट कर दिया जाएगा । क्लेम्स के डिस्पोजल के बाद उसे अधिक समय तक पैसा लेने के लिए भटकने की जरुरत न पड़े, यह भी उसमें प्रावधान होना चाहिए । मुझे विश्वास है कि मंत्री जी इस ओर ध्यान देंगे ।

महोदया, क्लेम्स के साथ ही दुर्घटनाओं में अब काफी कमी आई है । जहां 1980-81 में 400 दुर्घटनाएं हुई थीं, 1985-86 में केवल 86 दुर्घटनाएं हुई हैं । 1985-86 में 6.8 परसेंट की कमी आई और 1986-87 में 1.3 पर सेंट की और कमी आई है । इसके लिए मंत्री जी बधाई के पात्र है क्योंकि दुर्घटनाओं को रोकने में निश्चय ही क्लेम्स अधिकारियों और कर्मचारियों की तत्परता के फलस्वरूप कमी आई है । यह मंत्री जी की दूर-दर्शिता का प्रमाण है, यह उनकी दूरदर्शिता का ही परिणाम है कि रेल दुर्घटनाओं में कमी आई है । इसके लिए मैं उनके प्रति अपनी कृतज्ञता ज्ञापित करता हूं ।

महोदया, अब मैं बिहार की ओर भी आपका ध्यान आकर्षित करना चाहता हूं बिहार धर्मों का संगम है । वहां पर बौद्ध धर्म, जैन धर्म का उद्भव हुआ वहां पर राजगीर, पावापीर पटना साहेब का गुरुद्वारा है, बौद्ध मंदिर है । विभिन्न धर्मों के वहां संगम स्थल हैं, लेकिन वहां पर ट्रेन की सुविधा बहुत ही कम है । एक ही ट्रेन वहां से पौने 11 बजे चलती है और यात्रियों को आने-जाने में काफी कठिनाइयों का सामना करना पड़ता है । यात्रियों की सुविधा और पर्यटकों के लिए एक ऐसी ट्रेन की व्यवस्था आप करें जो कि पटना से मगध, गया को शाम को चले और सुबह वहां पर पहुंच जाए । इस संबंध में मैंने मंत्री जी को पहले भी लिखकर अनुरोध किया था कि मगध ट्रेन में भी उसको ऐडजेस्ट किया जा सकता है । यहां दिल्ली से जो ट्रेन डीलक्स कलकत्ता जाती है, उसको यदि डेली किया जाए तो यात्रियों को काफी सुविधा हो सकती है ।

अंत में आपके आदेशानुसार मैं पुनः इस रेलवे क्लेम्स विधेयक जिसके द्वारा ट्रायब्यूनल स्थापित करने की व्यवस्था है, उसका पुरजोर समर्थन करते हुए माननीय मंत्री जी को और आपको धन्यवाद देता हूं कि आपने मुझे इस विधेयक पर बोलने का अवसर दिया ।

धन्यवाद ।

श्री जगदम्बी प्रसाद यादव (बिहार) : माननीय उपसभापति महोदया, मैं अपने मार्कसिस्ट सदस्य की इस बात का अनुमोदन करना चाहता हूं कि भारत सरकार ऐसा लगता है, ज्वायंट सेलेक्ट कमेटी या प्रवर

[श्री जगदम्बी प्रस द यादव]

समिति का नाम ही भूल गयी है। अन्यथा कुछ ऐसे सवाल हैं जहां पर अच्छे ढंग से विचार करने के लिए उसको समय चाहिए। जितनी भी संसदीय प्रणाली की सरकारें हैं मैं यह कह सकता हूं कि वहां पर 70-80 परसेंट विधेयक पहले प्रवर समिति या संयुक्त प्रवर समिति को जाते हैं लेकिन यहां पर यह प्रक्रिया बंद कर दी गयी है मेरी समझ में यह बात नहीं आ रही है कि ऐसा क्यों है । जिस प्रकार का यह सवाल है और आवश्यक भी है इस को जरूर प्रवर समिति को जाना चाहिए था । रेलवे एक्ट पुराना पड़ा हुआ है उसमें भी सुधार होना चाहिए। मैं रेल मंत्री महोदय से कहूंगा कि ब्रिटिस जमाने के रेलवे एक्ट को, प्रचलन व्यवस्था को नया रूप देने के लिए इसका पुनः उद्धार करना चाहिए निश्चितपूर्वक इसको संयुक्त प्रवर समिति को भेज कर इसको आजकल के चिन्तन का एक्ट बनायें ।

मैं इस बात के लिए भी मंत्री महोदय का धन्यवाद ज्ञापन करना चाहूंगा कि मंत्री जी ने चाहा है दावे का काम जल्दी से जल्दी निपटे और जो भुक्तभोगी है वह उसे पा कर दूसरे काम में लगा सके ।

मैं इसके कंस्ट्रक्शन रचना पर भी दो बातें कहना चाहता हूं । चैयरमैन और वाइस चयरमैन दोनों को जूडिशियरी से लेने की बात कही है । चैयरमैन तो जूडिशियरी का हो यह तो ठीक है लेकिन वाइस चैयरमैन और सदस्य के लिए आपने यह भी लगा दिया है कि रेलवे का अधिकारी हो । क्या यह सम्भव हो पायेगा? चयरमैन, वाइस चैयर मैन और सदस्यों की संख्या आपने रखी है 33 । मेरी समझ में नहीं आता कि जुडिशियरी के लोग इसमें आ पायेंगे । जुडिशियरी को आप लाना चाहते हैं यह ठीक है। जो रिटायर्ड हैं वह तो आ सकते हैं । रिटायर्ड के पहले वे आयेंगे यह मेरी समझ में बात नहीं आती । रिटायर्ड लोग आ पायें तो उनको लेकर आप क्या कीजिएगा ? वे कितनी जल्दी काम को निपटा सकेंगे यह सोचने की बात है । दूसरे आपने यह नहीं उल्लेख किया कि चैयरमैन की अनुपस्थिति में क्या होगा । जिस प्रकार से दूसरी संस्थाओं में होता है कि चैयरमैन की अनुपस्थिति में वाइस चैयरमैन चार्ज लेता है इस प्रकार की प्रक्रिया इसमें नहीं है । इस को पढ़ कर आप देख लें ।

सारे देश में 19 बैंचेज स्थापित करना चाहते हैं । भारत की रेल लाइन को एक तरह से खड़ा कर दें तो वह चन्द्र-लोक नाप सकते हैं । इतनी विशाल रेलवे लाइन हैं । इसके साथ क्लेम की बात भी करें तो लगभग 7 लाख क्लेम हर साल आने की बात आती है, मोटे-मोटे क्लेमों की बात करें तो सिर्फ एफ० सी० आई० के 43 करोड के क्लेम आते हैं । इतनी सब विशालता को देख कर रेलवे के फैलाव को देख कर, देश के विस्तार को देख कर, क्लेम की संख्या को देख कर और साथ-साथ इसके अमाउंट को देख कर 19 बेंचेज पर सभी लोगों को शंका है । यह शीघ्र काम कर सकेंगे या नहीं इस पर शंका है ।

एक सवाल और इसमें उठता है कि आपकी अनेक समितियां हैं आप उनका भी लाभ ले सकते थे । पता नहीं क्यों नहीं लाभ लेने की बात सोची गयी यह भी उपभोक्ताओं की सुख-सुविधा के लिए ही है । भले ही सिविल कोर्ट के रूप में न ले । यहां पर कुछ समस्याओं का समाधान रेलवे यात्री सुविधा के लिए ही नहीं समान सुविधा के लिए भी कर सकते थे । यह लाभ आप दे सकते थे । आप यह देख सकते हैं कि क्या यह उपयोगी हो सकता है ।

दूसरी बात जो क्लेमस की है आपने प्रोपर्टी संबंधी क्लेम को क्लेम माना है। दुनिया में अगर देखा जाये तो क्लेम्स सिर्फ प्रोपर्टी संबंधी नहीं होता रेल के न चलने के कारण लास, रेल के विलिम्ब से चलने के कारण लास, बिना सीटी दिए चलने के कारण लास, मानसिक लास,

इस प्रकार से अनेक प्रकार के लास हैं जिनका आपने इसमें उल्लेख नहीं किया। आप जैसे आधुनिक युग के जानकार मंत्री को, जब हम 21वीं सदी की बात करते हैं तो उसके पहले हम यह बात करते हैं कि पाश्चात्य जगत में जो सुविधायें हैं वे सुविधायें हम लोगों को 1.00 P.M. देनी चाहिए। रेल गाड़ियों में सिर्फ एक्सीडेंटस से ही लास नहीं होता है, बल्कि गाड़ी चढ़ने में भी लास होता है। गाड़ी में आरक्षण करने के बाद भी सीट नहीं मिलती है, आरक्षण नहीं हो पाता है, इन सब कामों में लास होता है। उसके बारे में आपने विचार नहीं किया है। इन लासेज की पूर्ति करने के संबंध में आपने क्या उपाय किए हैं, इस बारे में आपने कुछ नहीं बताया है। आप जानते हैं कि हवाई जहाज से यात्रा करने में तो इंश्योरेंस हो जाता है, लेकिन रेलवे से यात्रा करने वालों का इस प्रकार का कोई लेकिन ईश्योरेंस नहीं होता है। एक्सीडैन्ट होने पर लोगों पर विचार हो जाता है, लेकिन रेलों में चढ़ने में जो लोस होता है या दूसरे प्रकार से पैसेन्जर्स की जो लौस होता है उसका आपने प्रावधान नहीं किया है। इन लोसेज को आप कैसे पूरा करेंगे, इस के लिए आपने कोई प्रक्रिया नहीं अपनाई है।

उपसभापति : आपका समय खत्म हो गया है।

श्री जगदम्बी प्रसाद यादव : दूसरी बात मैं यह कहना चाहता हूं कि आपने 19 बैंचेज बनाई हैं। मैं यह जानना चाहता हूं कि क्या आपने ये बैंचेज क्लेम्स के आधार पर बनाई हैं या रेलवे के विस्तार के आधार पर बनाई हैं, किस आधार पर बैंचेज स्थापित की हैं? आप शीघ्रता से निर्णय देना चाहते हैं। लेकिन मैं यह कहना चाहता हूं कि शीघ्रता से दावों का निर्णय तो हो जाएगा उसका पेमेन्ट भी शीघ्र हो पाए, इस के बारे में आप क्या सोच रहे हैं? एक बात मैं विचार के लिए यह भी कहना चाहता हूं कि सिविल कोर्ट का जो प्रोसीजर है, क्या वह प्रोसीजर यहां भी होगा? सिविल कोर्ट तो आपने में अपनी कार्यवाही करते हैं। इस पर भी आपको विचार करना चाहिए, और इन सब बातों के निराकरण के लिए चिन्तन करना चाहिए।

उपसभापति: : श्री राम अधेश सिंह- अनुपस्थित। श्री चतुरानन मिश्र।

श्री चतुरानन मिश्र (बिहार) : उपसभापति महोदय, जहां तक इस बिलका ताल्लुक है इसका संबंध सिर्फ क्लेम्स पिटीशन्स जल्दी से जल्दी डिसपोज ऑफ हो सके, इस बात से है और इस दृष्टि से यह स्वागत योग्य बात है। यह ट्राइबुनल रहेगा और वहां लोग जायेंगे, अपने क्लेम्स पेश करेंगे। लेकिन सोचना यह है कि सिविल प्रोसीजर इसको गाइड करेगा और इसमें दिक्कत आती ही है। लेकिन हमारा ख्याल है कि अगर टाइम टेबल जजमैन्ट के लिए हो कि इतने पीरियड तक हो जाएगा तो ठीक रहेगा। यह बात इस बिल में कैसे रखी जा सकती है, इसको देखना होगा और यह भी देखना होगा कि हमारा जो फन्डामैन्टल ला है उसके खिलाफ तो नहीं है। इस बारे में मैं क्लीयर नहीं हूं। इसलिए आपसे चाहूंगा कि आप इस बारे में सोचें।

दूसरी बात मैं यह कहना चाहता हूं कि जो जजमैन्ट हो जाएगा उसको रेलवे जल्दी लागू करे, इसका भी आप प्रावधान करें। देखने में यह आता है कि डिसीजन तो हो जाते हैं लेकिन लोगों को दफ्तरों के चक्कर लगाने पड़ते हैं, फिर भी काम नहीं होते हैं। इस बारे में सिर्फ इतना ही कहना चाहूंगा कि यह काफी नहीं है कि आप इस को देखेंगे क्योंकि अकेले मंत्री महोदय कहां कहां देखेंगे। इस बारे में आपको स्थिति स्पष्ट करनी चाहिए।

कई माननीय सदस्यों ने कहा है कि बैंचेज तो 19 होंगी, लेकिन अगर चैयरमैन

(श्री चतुरानन मिश्र)

बीमार पड़ जाय तो गवर्नमेंट को नोटिफिकेशन लाना होगा । इस देश में यह देखा गया है कि नोटिफिकेशन करने में टाइम लगता है। आप क्यों नहीं चैयरमैन को ही अधिकार दे देते हैं कि काम वाइस-चैयरमैन देखेगा । यह कोई दूसरा इंस्टिट्यूशन नहीं है, जुडिशियरी है, इसलिए ला में प्रोवाइड करना होगा । हमारे देश में यह देखने में आता है कि ज्यादातर पब्लिक सेक्टर के आर्गेनाइजेशन में चैयरमैन या मैनेजिंग डाइरेक्टर नहीं हैं टोपलैस हैं । लेबर मूवमैन्ट से हमारा संबंध है । हम जानते हैं क्या स्थिति है कई ट्रिब्यूनल में चैयरमैन नहीं हैं, केस लिखते लिखते वे मर जाते हैं या मंत्री को कुछ हो जाता है । दूसरे की बहाली नहीं हो पाती है। इसलिए आप इसका प्रावधान कर दीजिए मुझे यह शोर्टकमिंग लगती है । एक बात और है जिसका संबंध पेरेन्ट एक्ट से है । जैसा देर से पहुंचे या गाड़ी में जा रहा था और उसको चोर डकैतों ने लूट लिया । इसके लिए जब तक पेरेन्ट एक्ट में कुछ नहीं किया जाएगा तब तक मुझे ऐसा लग रहा है कि इसमें दिक्कत होगी । इसलिए इसको करना चाहिए ।

आखिर में मैं एक बात कहना चाहूंगा जिसका इससे इतना संबंध नहीं है जितना पेरेन्ट एक्ट से है । मंत्री महोदय ईमानदारी से अपना प्वांन्ट आफ व्यू से काम करें वह तो ठीक है । लेकिन मेरे सामने बहुत से केसेज आते हैं । जो लोग एक्सीडैन्ट से मारे जाते हैं, खासकर जो गरीब लोग मारे जाते हैं उनके किसी एक डिपेन्डेन्ट को नौकरी देने का आप प्रावधान करें । मंत्री महोदय के पास बहुत जगहों से केसेज आये हैं । मैंने रिप्रजेन्ट किया उसका शार्ट जवाब है कि यह प्रावधान नहीं है । इस चीज का कोई प्रावधान नहीं है कि उनके बच्चों को काम दिया जाय । लेकिन यह भी प्रावधान नहीं है गाड़ी में जान से मारा जाय, इसका भी कोई सेक्शन नहीं है । इसलिये जब पहला बिना सेक्शन के है तो दूसरा भी बिना सेक्शन के किया जाय यही मेरा आपसे अनुरोध है । महोदय, जैसा कि मैंने कहा इसका लिमिटेड एम अच्छा है इसमें कुछ सुधार किया गया है । फिर आगे जब आवश्यकता होगी तो फिर आगे भी धक्कमधक्का होती रहेगी

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : माननीय उपसभापति महोदय, यह जो विधेयक लाया गया है यह स्वागत योग्य है । बहुत दिनों से इसकी आवश्यकता अनुभव की जा रही है । मुझे पूरी आशा है कि जिन उद्देश्यों की पूर्ति के लिए यह विधेयक लाया गया है उसका कार्यान्वयन कराने के लिए रेल मंत्रालय और रेल विभाग कोई कोताही नहीं बरतेगा और इसके पीछे जो मंशा है वह पूरी होगी ।

महोदया, मेरे मन में केवल दो-तीन शंकायें हैं जिस ओर मैं मंत्री महोदय का ध्यान आकर्षित करना चाहता हूं । इसकी धारा 5 में है कि कोई व्यक्ति अध्यक्ष के रूप में नियुक्ति के लिए तभी अर्हित होगा जब कि वह किसी उच्च न्यायालय का कोई न्यायाधीश है या रहा हो उपाध्यक्ष के लिए इसमें योग्यता रखी है कि किसी उच्च न्यायालय का न्यायाधीश हो या रहा हो या न्यायाधीश होने के लिए अर्हित हो ।

मैं समझता हूं कि जो हाई कोर्ट का जज है यह उनके लिए एक प्रकार का प्रलोभन होगा । इसमें खुद ही आप इस तरह की व्यवस्था कर रहे हैं कि जो व्यक्ति ट्राइब्यूनल का अध्यक्ष या उपाध्यक्ष होगा वह भारत सरकार के अन्तर्गत या रेल मंत्रालय के अन्तर्गत किसी भी प्रकार की नौकरी नहीं पा सकेगा । महोदया, इस पर मेरी आपत्ति है । जैसा आपने 5(क) में लिखा है कि किसी उच्च न्यायालय का न्यायाधीश है या रहा हो तो इसको आप थोड़ा व्यापक बना लें, और उसमें आप यह जोड़िए कि न्यायाधीश होने के लिये अर्हित हो ।

दूसरा, एक बात मेरी समझ में नहीं आती कि 2(ख) में इस बात का प्रावधान है कि भारतीय विधिकसेवा का, लीगल सर्विस का सदस्य रहा हो । महोदया, जहां तक मेरी जनकारी है इंडियन लीगल सर्विस है ही नहीं । लेकिन इसमें प्रावधान है कि भारतीय विधिक सेवा में रहा हो। महोदया, इंडियन लीगल सर्विस 20—25 साल पहले समाप्त हो गई है। अगर इस सर्विस का कोई व्यक्ति जीवित होगा तो वह 85—90 वर्ष से कम नहीं होगा। इसलिए मंत्री जी आप इस बात को स्पष्ट करने का कष्ट करें कि यह विधिक सेवा क्या है ...(व्यवधान)... भारतीय विधिक सेवा लिखा है अंग्रेजी में इंडियन लीगल सर्विस है । धारा 5 की उपधारा 2(ख) में है कि :

A person shall not be qualified for appointment as Vice-Chairman unless he has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years.

हिन्दी में इसका अनुवाद किया गया है भारतीय विधिक सेवा । मंत्री जी आप अपने उत्तर में इस बात को स्पष्ट करें कि भारतीय विधिक सेवा से आपका क्या आशय है । इसमें जो धारा 19 उसकी उपधारा 1 में (समय की घंटी) एक मिनट में समाप्त कर रहा हूं । शंकाओं की तरफ ध्यान आकर्षित कर रहा हूं स्वागत के तौर पर ही दिया है ।

इसमें धारा 19 की उपधारा 1 में कहा गया है कि "दावा अधिकरण को आवेदन करने वाला कोई व्यक्ति दावा अधिकरण के समक्ष अपना मामला प्रस्तुत करने के लिए स्वयं हाजिर हो सकेगा या अपनी पसंद के किसी विधि व्यवसायी की सहायता ले सकेगा ।" मैं समझता हूं कि लीगल प्रैक्टिशनर का जो, प्रावधान किया गया है, विधि व्यवसायी के जो व्यवस्था है वह गलत है। जो लीगल प्रैक्टिसनर एक्ट है उसमें इस को साफ तरीके से परिभाषा की गई है कि लीगल प्रैक्टिस इज नाट ए प्रोफेशन तो इस ओर भी मंत्री जी कृपा करेंगे और मेरे सुझाव की ओर देख कर के परिवर्तन करने की कोशिश करेंगे। मेरा एक प्रस्ताव यह है कि जिस प्रकार से रेल प्रशासन को वकीलों की सेवा उपलब्ध होगी लेकिन जो व्यक्ति दावा प्रस्तुत करेगा वह वही व्यक्ति होगा जो चारा विपत्ति का मारा हुआ होगा उसको वकील नहीं मिल रहा होगा इसलिए मेरा मंत्री जी से यह निवेदन है कि उस व्यक्ति को रेल विभाग की ओर से कानूनी सहायता दी जाए । इस प्रकार का प्रावधान दूसरे न्यायालयों में जो फौजदारी मामले होते हैं जो लोग गरीब होते हैं और वकील नहीं कर सकते हैं उनको सरकार की ओर से यह सुविधा दी जाती है मैं यह चाहता हूं कि इस प्रकार की कानूनी सहायता का प्रावधान आप भी कर दें । जो व्यक्ति दावा प्रस्तुत करे आप पहले उसकी जांच पडताल कर लें अगर वह इस स्थिति में नहीं है कि किसी वकील की मदद ले सके तो आपके द्वारा उसको कानूनी सहायता भी दी जानी चाहिए क्योंकि हर व्यक्ति को कानून की जानकारी नहीं होती है । इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं इस आशा और विश्वास के साथ कि मेरे मन में जो शंकायें हैं उनका मंत्री जी स्पष्टीकरण करने की कृपा करेंगे ।

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Madam, I welcome establishment of the Railway Claims Tribunal. At the outset I would like to say a few words about the Government's attitude towards the railways.

Earlier, railways used to be a Ministry. Now it is made a Department within another Ministry. There used to be a Cabinet Minister for the railways portfolio. Now there is only a Minister o*t* State for Railways. I have no complaint against Mr. Madhavrao Scindia. He is a young man, very-handsome. He speaks well, smiles

[Shri Puttapaga Radhakrishna] well and receives well whenever a representation goes to him. I have no grievance against Mr. Madhavrao Scindia. If he is the most suitable man for railways, let. him be made a Cabinet Minister. It will establish the Government's attitude or interest towards the wellbeing of the railway". That is the point.

Coming to the Bill, Madam, the Iiailway Claims Tribunal is a quasi-judicial forum. Hitherto therehas been no judicial or quasi judicial for um with so many Vice-Chairmen. I do not know what is the purpose of setting up an office of Vica Chairman. For instance, if you take the Sup reme Court, there is a Chief Justice and then there are other Judges, it means the Chief Justice is also a Judge. Or take the High Courts. It is the same thing there also. There is a Chief Justice and there are other Judges, which means the Chief Just ice is also a Judge. Ir the game way, wherever there is f-n Admini strative Tribunal there is a Chairman and there are other Members also and the Members include the Chair man also. This is the case, general ly. Therefore I am unable t_0 un derstand the purpose of providing for four Vice-Chairmen in this particular Tribunal, with a specud status.

Apart from this, as far as my knowledge goes, the Bill has no nrovision for a code of procedure. The Minister simply said "code of procedure". If I understood him correctly, the Code of Civil Procedure applies to this Tribunal. If the Code of Civil Procedure applies to this Tribunal, then it will be a cumbersome procedure and claims will never be settled. There should be a simple procedure and there should be summary trial by the Claims Tribunal. The Civil Procedure Code will not serve the purpose here '

Now I do not find any provision in the Bill for an appellate authority. So. when the Tribunal gives its judgement, it will be final. Then if there is finality without ft provision for appeal, it will not be judicious. Therefore, there should be some appellate authority. But I don't think there is any such provision made in this Bill. Madam, I want to point out another lacuna. Refund of fares and freights has also' been included in the jurisdiction $_0$f the$_e$ Tribunal. This enables the passengers to approach the Tribunal for refund of Rs. 2 o^r Rs. - 3. This way thousands of people, thousands of passengers will approach the Tribunal to claim their fares. That is why, it will be a very cumbersome and very burdensome job for the Claims Tribunal to go ahead with its normal work for wnich it is meant. I think only damages and items like that c$_e$an be included. Fares should not be included in the jurisdiction-of the Tribunal.

Madam, it is a very welcome provision that a number of Eenches are to be set up all over the country. My suggestion to the Minister is, at the time of setting up of the Benches to keep in view the jurisdiction of zones and divisions of the Railways. If the jurisdiction of the Bench is coter-minus with the uirisdiction of the division or zone it will be more convenient to both the Railways and the claimants.

Madam, on this occasion, I would like to make a suggestion to the hon. Minister. The other day, Madam, I met Mr. Madhavrao Scindia in his office to present a problem relating to my State. There is no company. If I am correct, it is the Hyderabad Lemon Co. Its perishable goods, its lemon parcels were damaged in a railway accident involving 22 Down Dakshin' Express in August last time. The company has not been paid[1] the compensation so far for that. On that occasion. I took the representation to the hon. Railway Minister. H$_e$ received me. well with a smiling face, very plea?atitlv *lie* talker with me and received the representation I do not know what happened to the -esentation. I have not received even an acknowledgement which Is a routine work of the Minister's Secretariat.

Madam, on this occasion I would like to suggest to th$_t$. Ministw to make a provision for appointing travel agents, at least, for parcel booking and parcel delivery. There are hundreds of unauthorised persons at the railway stations -1 am just concluding—calling themselves "Hunde-kars. " They misbehave with the people who go for booking their parcels. If there are authorise^ agencies for both booking and for delivery of parcels, it would be convenient to the passengers and the Railways. The Railways can charge something from the agencies also. That will raise the revenue of the Railways also. That way, both the Railways and the passengers will bs benefited. That is why. I would like to make a suggestion to the Minister to keep this in view, to consider this. I hope that it will be materialised before the next Budget Session comes, so that he can include that revenue in the next Railaway Budget also.

With these remarks. I would like to support the Bill, Madam.

Thank you very much.

THE DEPUTY CHAIRMAN: Shri Aladi Aruna not present. Mr. Minister.

SHRI MADHAVRAO SCINDIA: Madam, I am grateful to the House for the generous support that has bee$_n$ given to this Bill. Undoubtedly its objectives are totally justified, and it will be the endeavour of the Railway Ministry to implement it in action, not to let it remain merely in words. In fact, it was with this objective in mind that We brought this Bill forward. In the last two years we have been trying to effect speedy disposal of claims and there has been a lot of progress in this regard. But. however, we found that as far as court cases were concerned very very large backlog still remained. It was a matter which was not really in our hands. I would liketo inform the House that we have also tried to ensure at the initial stage itself, that the fail user is satisfied. After a dialogue with the rail user, if he feels that the railways had committed som$_e$ lapse we try to satisfy him to the full. This is reflected in a number of new claims preferred. This is the first area where we can try, through greater satisfaction to reduce the number of claims preferred. This attempt has been made in the last two years. In the year 1985-86, there was a 6. 8 per cent reduction in the number of new claims preferred. In 1986-87, this was further reduced by 8. 3 per cent. i am glad to inform the House that in the first six months this year compared to the first six months of the last year, there has been a further improvement of 20. 3 per cent. So this is evidenced from the fact that a sincere effort has been made to try and satisfy the customer or the user before he has to go through the procedural processes which can take a let of time.

Similarly, the second stage is the number of claims pending at the end of the period. Here again we have made a substantial impact. In the year 1984-85, the number of claims pending was 85, 919. As a result of the drive initiated in 1285, this number by the end of the financial year 1985-86 was reduced by as much as 51 per cent. It came down to 41 thousand and odd. In 1986-87 there has been a further reduction of 30 per cent. The number of claims pending now at the end of the financial year is 28, 865. So, that is the second stage in which we have tried to implement corrective measures.

Then the third stage is the number of suits instituted which also reflect the level of satisfaction or dissatisfaction. Here again in 1985-86. there was a reduction of 10. 5 per cent. in 1986-87, a further reduction of 19. 7 per cent and in April-August this year compared to the first five months of last year there has been a reduction in th2 number of suits instituted of 35. 5 per cent. So, this also reflects a greater degree of customer satisfaction, However, once these three stages are tackled, if the claim or the dispute carries beyond

[Shri Madhavrao Scindia] that, then it enters a particular process over which we do not really have control in regard to acceleration or deceleration. This is what was worrying us a lot. The total number of suits pending in courts now is as much as 58, 500, of which as many as 26, 000 are over three years old. This creates a great inconvenience to Railway customers who are not satisfied by us at any of the three stages. Therefore, our objective in bringing in this Bill is that another forum, a specialised tribunal, should be provided instead of Railways being part of the massive exercise with district and various other courts to dealt with. A specia. lised tribunal just, to deal with Railway claims should be created. This is another forum fcr the customer, if he is not satisfied with us through these three stages. He can go there and a decision can be taken specially in our favour or against us, but a decision should come soon after which again he can go in further appeal.

Some hon. Members also said that we should ensure that the implementation is also done speedily. I can assure the House that we will make our sincere effort. In fact, we have taken an informal decision—that, of course, cannot be a part of this Bill. Generally whatever the Tribunal decides we will try and see that at least Railways don't go into appeal again the whole case is prolonged. We will go into appeal only when the case is of a very great magnitude or it has a substantial impact on railway working, on the country and if the repercussions are massive. However, we will try and see that the railways don't bother the customers and what-every the Railway Claims Tribunal decides we will try and see that we accept their decision.

Some hon. Members talked about the joint Select Cornmittee. They also said that this task should have been given to them. The Joint Select Cornmittee will take six months to one-and-a-half year to present its report. If the hon. House decides to pass this Bill even to. set up and implement the Railway Claims Tribunal provisions will take us administrativ-ly at least 4-6 months. So if we were to wait for the Joint Select Cornmittee it would delay us—possibly by a year or a year and-a-half and then further six months to implement it. It would mean you have to wait for almost two years. We felt that this is a Bill which can come forward now because there is no substantive difference. We are not making any substantial changes. We are only making another forum to decide all railway claims in accordance with the Railway Act. If that Railway Act is amended at a later stage because of the Joint select Committee recommendations, because of the Government's recommendations then at that stage if the Joint Select Committee deems it fit they can recommend the merger of the Railway Claims Tribunal Bill in the Railway Act itself which can also be done. Therefore we would speedily set up these Claims Tribunals and any changes in the Railway Act because of the Joint Select Cornmittee or because of the Government's decision would automatically reflect in the decisions taken at the Railway Claims Tribunal because they would decide *on* the basis of the Act. We felt there is no point in delaying this Bill any further.

Madam, hon. Member, Shri Sukomal Sen talked about some figures. He gave some figures of 1977-78 and 1981-82 and said that 172 people were killed and only Rs. 45 lakhs were paid. I would like to inform the hon. Member that the payments made in a particular financial year have no relationship with the number of casualties taken place in that year because there may be a lot of back-log. As you know, Madam, one of the major reasons for bringing the Railway Claims Tribunal Bill is expeditious settlement of the accident claims. As present in matters of death an a-1 hoc Claims Commissioner is appointed in consultation with the State Government. I can tell the

hon. House that sometimes it is a very frustrating experience after an accident. Not onc$_e$ but we have to write several letters to many of the State Governments to suggest us a name for appointment as *ad* hoc Claims Commissioner. This process itself takes us long and sometimes it is very frustrating. Ultimately the responsibility in the public mind rests with us because of the delay in appointment of an ad hoc Claims Commissioner. On an average it takes Us about a year or 13 months to settl$_e$ even accident claims and death claims. Therefore, a lot of decisions are taken in the next financial year for the accidents that have taken place in the p'revious years or sometimes no claimants may turn up or he may turn up at a later stage. The point I am trying to make it that all the payments made have no relationship with the number of casualties in that particular year.

Madam, /Members also spoke about the number of Bench?s. They must have noticed in the Bill that the number of Benches would depend as the Government may deem fit from time to time. In the Financial Memorandum We have talked about 19 Benches. We will set up 19 Benches and then depending upon the load of work if -we feel that the load of work is not that much we can reduce this num-her in future. If we feel that more Benches are required then, we can set up more Benches. The Benches, of course, will also be mobile. Shri Yadav Ji talked about a couple of points which I have already answered. One point he raised was, in the absence of the Chairman, there was no provision for immediate take-over. That is not a fact. Actually, the Vice-Chairman can immediately take over. This is in section 6. similarly, he talked about why judges should join unless after retirement. The provision is for a retired judge or judge to

become Chairman of the Tribunal and the salary scale at Chairman's level is that of the Secretary. So, there should be no problem as such. Then,

it is also open to retired High Court judges to take up this responsibility.

SHRI SATYA PRAKASH MALAVIYA; You have also made a provision for sitting judges.

श्री माधवराव सिंधिया : यादव साहब ने यह कहा कि सिटिंग जज क्यों आयें। अब यहां भी रिटायरमेंट एज 65 है। आपका यह कहना था कि ...

Why should they leave their posts and come? I do not see any reason why they cannot come because the salary scale is not less. The salary scale is th$_e$ same. *(Interruption).*

श्री सत्य प्रकाश मालवीय : जो सिटिंग जज हैं हाईकोर्ट में उनका सिद्धांत रूप में रखना ही ठीक नहीं है ।

SHRI MADHAVRAO SCINDIA: As far as the number of tribunals is concerned, I have already expressed my views on that. A time limit for judgment was raised by Sh. Mishra Ji. H$_e$ had talked about a tim$_e$ limit to be laid down for judgment. Madam> our objective is speedy and expeditious disposal of cases and I am sure, since the Tribunal is occupied by very senior, responsible and experienced people, they would fully implement the objective and act with an imbibed spirit in which the Claims Tribunal has been brought forward. I do not think it to be proper to place a time limit on a Tribunal. I do not think it would be proper and I think, we can rest assured that they would expeditiously dispose of these claims. (Mishra Saheb also talked about the implementation of the judgment being spsedy. As I have already saic and I assure you, every sincere effor will be made for this. Mr. Radha krishna raised a point about appea to the High Court. I have already said

that the appeal does rest and tt aggrieved party can go in for an ar peal also. I think. Madam Deput Chairman and everyone else is gettin a bit restive for lunch.

THE DEPUTY CHAIRMAN: have to meet again at 2. 30 P. M.

SHRI MADHAVRAO SCINDIA: So, Madam, once again, I would like to thaak all the hon.)Members for the generous support that We have received from all sides of the House and Dr. Ram also for his very generous words that he used in describing the railways and I am sure, with the encouragement that we have received from all the sides of the House, we will constantly succeed in our endeavours to improve the railway system and to improve the facilities to the railway users. Thank you.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to be carried by railway or for the refund of fares or freight to it or for compensation for death or injury t_0 passengers occurring as a result of railway accidents and for matters Connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration. "

The motion *was* adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 *to* 38 were added *to the Bill.*

Clause 1. *the Enacting Formula and the Title* were *added to the Bill.*

SHRI MADHAVRAO SCINDIA: Madam, I beg to move:

"That the Bill be passed.

The *question was PM and the* motion *was* adopted.

THE DEPUTY CHAIRMAN; Now the House stands adjourned and will meet again at 2. 35 p. M.

The House then adjourned for lunch at thirty-five minutes past one of the clock.

The House reassembled after lunch at thirty-five minutes past two of the clock. The Deputy Chairman in the Chair.

REPORTED REMARKS OF THE HOME MINISTER, SHRl. BUTA SINGH, AGAINST THE CHIEF MINISTER OF ANDHRA PRADESH.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh).. $Mada_m$ Deputy Chairman, I think you for allowing m_e to make this special mention which is very important and serious and also unpleasant for me. I would like to refer to the utterances of the Union Home Minis'er, Mr. Buta Singh, during his recent visit to Andhra Pradesh.

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): It is based on the press report.

SHRI PARVATHANENI UPENDRA: Yes, based on the press report. *(Interruptions).*

THE DEPUTY CHAIRMAN:: Order, please.

SHRI BUTA SINGH: I just want to submit this. Let us be fair. These are press reports till I speak.

SHRI PARVATHANENI UPENDRA: I said, "based on press reports. " I also received reports over telephone frcim other sources,

AN HON. MEMBER: Unreliable sources. *(Interruptions*)

SHRI PARVATHANENI UPENDRA: Madam will you please contain them?

THE DEPUTY CHAIRMAN; I request all the hon. Members to give a peaceful hearing to what the other hon. Members have to say. You will have a chance to reply. Please keep the atmosphere peaceful in the House.

SHRI PARVATHANENI UPENDRA: Madam Deputy Chairman, I have said the matter is very serious because it affects the Centre-State relations in